

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Griffin Sherbert	Team: Squad #7	CCRB Case #: 201901693	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 02/13/2019 6:00 AM	Location of Incident: [REDACTED]	Precinct: 23	18 Mo. SOL 8/13/2020	EO SOL 3/30/2021	
Date/Time CV Reported Fri, 02/15/2019 1:04 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 02/25/2019 11:45 AM		

Complainant/Victim	Type	Home Address
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]
[REDACTED]	[REDACTED]	[REDACTED]

Witness(es)	Home Address
[REDACTED]	[REDACTED]

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Fernando Bonilla	02196	947717	DB CEIS
2. DT3 Ryan Puglisi	5132	944909	NARCBMN
3. An officer			NARCBMN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. DT3 Paola Santos	4784	944290	NARCBMN
2. POM Yeraldy Bonifacio	15500	952482	NARCBMN
3. SGT Frederic Ortiz	03659	935440	NARCBMN
4. DT2 Thomas Carvin	05113	900230	PSA 5
5. POM Ariel Eusebio	14213	952715	NARCBMN
6. DT3 Rashied McIntyre	5043	947807	NARCBMN
7. DT3 Gary Perez	5365	946105	NARCBMN
8. DT3 Salvador Toro	00689	892133	NARCBMN

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Fernando Bonilla	Abuse: Detective Fernando Bonilla entered § 87(2)(b) in Manhattan.	[REDACTED]
B.DT3 Fernando Bonilla	Abuse: Detective Fernando Bonilla searched § 87(2)(b) in Manhattan.	[REDACTED]
C.DT3 Fernando Bonilla	Force: Detective Fernando Bonilla used physical force against § 87(2)(b)	[REDACTED]

Officer(s)	Allegation	Investigator Recommendation
D.DT3 Ryan Puglisi	Force: Detective Ryan Puglisi used physical force against § 87(2)(b)	
E.DT3 Ryan Puglisi	Force: Detective Ryan Puglisi pointed his gun at § 87(2)(b)	
F. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b)	
G. An officer	Force: An officer used physical force against § 87(2)(b)	
H. An officer	Discourtesy: An officer spoke discourteously to § 87(2)(b)	
I. An officer	Abuse: An officer made a sexually suggestive remark to § 87(2)(b)	
J. An officer	Abuse: An officer sexually humiliated § 87(2)(b)	

### Case Summary

On February 15, 2019, § 87(2)(b) called the IAB Command Center where he filed the following complaint. On February 25, 2019, the CCRB received this complaint from IAB.

On February 13, 2019, at approximately 6:00 a.m., § 87(2)(b) was asleep in his home at § 87(2)(b) in Manhattan, with approximately nine other family members and friends, when Detective Fernando Bonilla, Detective Ryan Puglisi, Detective Paola Santos, and several other officers all assigned to the Manhattan North Narcotics Bureau, forcibly entered his residence to execute a search warrant (**Allegation A and B: Abuse of Authority-Entry of Premises, § 87(2)(g)**). Det. Bonilla and Det. Puglisi then forcibly entered § 87(2)(b)'s bedroom, causing him to be hit by the door, and Det. Puglisi allegedly placed his firearm against § 87(2)(b)'s head and said, “don’t move” (**Allegation C and D: Force-Physical Force, § 87(2)(g)**; **Allegation E: Force-Gun Pointed, § 87(2)(g)**). Officers approached the next bedroom where § 87(2)(b)'s friend, § 87(2)(b) was located, and allegedly stated, “get on the fucking floor,” “it’s a fucking raid,” and “open the fucking door” (**Allegation F: Discourtesy-Word, § 87(2)(g)**). A few seconds later, officers entered the bedroom, threw § 87(2)(b) to the floor, and pushed her head against the floor while handcuffing her (**Allegation G: Force-Physical Force, § 87(2)(g)**). While the officers searched the apartment, § 87(2)(b) overheard an officer say, “this house smells like shit,” “look at this fucking house,” “it is so fucking dirty,” and “what type of people fucking live here” (**Allegation H: Discourtesy-Word, § 87(2)(g)**). Later, while § 87(2)(b) was being escorted to the bathroom, an officer allegedly told her that she had a “fat pussy” (**Allegation I: Abuse of Authority-Sexual Misconduct, § 87(2)(g)**), and when she asked for her handcuffs to be loosened, the officer allegedly ordered her to bend over in front of him first (**Allegation J: Abuse of Authority-Sexual Misconduct, § 87(2)(g)**).

There is no video evidence that exists for this case.

### Findings and Recommendations

#### Allegation A—Abuse of Authority: Detective Fernando Bonilla entered

§ 87(2)(b) in Manhattan.

#### Allegation B—Abuse of Authority: Detective Fernando Bonilla searched

§ 87(2)(b) in Manhattan.

§ 87(2)(b) stated that on February 13, 2019, at approximately 6:00 a.m., he was lying in bed in his room when he heard a “boom,” followed officers walking in his apartment (BR01). § 87(2)(b) said that he knew a search warrant was being executed because search warrants had been executed at his apartment approximately four times prior. § 87(2)(b)'s wife, § 87(2)(b) his three sons, § 87(2)(b) and § 87(2)(b) his two daughters § 87(2)(b) and § 87(2)(b) his granddaughter, § 87(2)(b) his son's girlfriend, § 87(2)(b) and his friend, § 87(2)(b) were all within his apartment during the incident.

After the group of approximately eight plainclothed officers handcuffed § 87(2)(b) and the other occupants, the officers placed them in two rooms, and searched the entirety of the apartment. Approximately an hour and a half later, the officers finished searching § 87(2)(b)'s apartment. § 87(2)(b) and § 87(2)(b) were arrested, and escorted from the apartment by the group of plainclothed officers.

Search Warrant § 87(2)(b) (BR03), sworn by Det. Bonilla, and signed by the Honorable Judge § 87(2)(b) authorized any NYPD officer to enter § 87(2)(b).

§ 87(2)(b) in New York, at any time of the day or night, without giving prior notice of authority or purpose, and to search therein for any narcotics, related paraphernalia, currency and other evidence of proceeds obtained from the manufacturing and distribution of narcotics, firearms and any ammunition, and any evidence of ownership and use of the target location. Additionally, the search warrant authorized officers to arrest the individual, § 87(2)(b) if found therein.

In executing a search warrant, that expressing authorizes entry without notice, an officer may forcibly enter such premises and may use against any person resisting such entry or search thereof as much physical force, other than deadly physical force, as is necessary to execute the warrant, and seize any property pursuant to the search warrant. Criminal Procedural Law, § 690.50 (BR06).

§ 87(2)(g)

**Allegation C—Force: Detective Fernando Bonilla used physical force against § 87(2)(b)**

**Allegation D—Force: Detective Ryan Puglisi used physical force against § 87(2)(b)**

**Allegation E—Force: Detective Ryan Puglisi pointed his gun at § 87(2)(b)**

§ 87(2)(b) stated that after hearing the officers enter his apartment, he got out of bed, stood by his bedroom door, and told the officers outside to hold on a minute and he would open the door (BR01). A group of officers breached the door, causing the door to hit § 87(2)(b) which caused to fall back against the wall of his bedroom. Det. Puglisi approached him, pressed his gun to § 87(2)(b)'s head, and said, "Don't move." § 87(2)(b) fell backward onto his bed, and told the officers that had spine problems. Det. Puglisi moved § 87(2)(b) onto his stomach, handcuffed him, and then lifted § 87(2)(b) off his bed by his arms.

TRI Report § 87(2)(b) (BR09), prepared by Det. Bonilla, in sum and substance reported that during the execution of the search warrant, § 87(2)(b) was placed on the ground on order to be handcuffed, pursuant to the safety of the officers and other occupants involved, and that he did not sustain or allege any injury as a result.

Det. Bonilla's (BR07) and Det. Puglisi's (BR08) statements were fairly consistent, except where noted otherwise below. Det. Bonilla and Det. Puglisi stated that upon their entry into the apartment, they made an immediate left, walked down the hallway, and approached § 87(2)(b)'s bedroom. The detectives made entry into the bedroom, turned over § 87(2)(b) and § 87(2)(b) and handcuffed them on them bed.

After viewing the TRI report he prepared, Det. Bonilla denied that he brought § 87(2)(b) or any individual to the ground, denied that he had to use any force to restrain or handcuff him or § 87(2)(b) in the bedroom, and asserted that he prepared the TRI report in regards to all of the involved officers action therein (BR07). After viewing the TRI report prepared by Det. Bonilla, Det. Puglisi denied that he or Det. Bonilla used a forcible takedown against § 87(2)(b) or any occupants, and did not know whom the TRI report was generated for (BR08).

Det. Bonilla and Det. Puglisi denied that either of their firearms were drawn or pointed at § 87(2)(b) and denied that they or any other officer placed their firearm against the § 87(2)(b)'s temple or head, nor later learned of any officer involved doing so during the incident.

In executing a search warrant, that expressing authorizes entry without notice, an officer may forcibly enter such premises and may use against any person resisting such entry or search thereof as much physical force, other than deadly physical force, as is necessary to execute the warrant, and seize any property pursuant to the search warrant. Criminal Procedural Law, § 690.50 (BR06).

Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. Patrol Guide, Procedure 221-01 (BR10).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

**Allegation F—Discourtesy: An officer spoke discourteously to** § 87(2)(b)

**Allegation G—Force: An officer used physical force against** § 87(2)(b)

**Allegation H—Discourtesy: An officer spoke discourteously to** § 87(2)(b)

§ 87(2)(b) stated that after hearing the officers enter the apartment, she locked the door to her bedroom, and crouched down behind the door (BR02). § 87(2)(b) heard an officer say, “Get on the fucking floor. It’s a fucking raid. It’s the police.” § 87(2)(b) said, “We’re going to open the door,” and the same officer said, “open the fucking door.” § 87(2)(b) said, “We’re going to open the door.” Approximately 10 seconds later, officers broke through the door, and ordered § 87(2)(b) to put her hands behind her back. One of the officers threw § 87(2)(b) onto the floor, pushed her head against the floor, and handcuffed her. § 87(2)(b) was not injured as a result.

§ 87(2)(b) stated that while the officers were searching the apartment, she overheard them laughing and saying, “this house smells like shit,” “look at this fucking house,” “it is so fucking dirty,” and “what type of people fucking live here.”

Det. Bonilla’s and Det. Puglisi’s statements were generally consistent, except where noted otherwise below. Det. Bonilla and Det. Puglisi denied that any other detective told any occupant to “get the fuck on the ground,” or “open the fucking door.” Although Det. Bonilla described the apartment as being very cluttered (BR07), and Det. Puglisi described the general

state of the apartment as messy (BR08), both denied making any remark to the other officers about the cluttered state of the apartment, denied that any officer stated that “the house smells like shit,” that “the house is so fucking dirty,” stated that “what kind of fucking people live here,” or used any other profanity during the incident.

Det. Bonilla denied that he brought any individual to the ground, and denied that he handcuffed any other occupants beside § 87(2)(b) while within the apartment (BR07). Det. Puglisi did not recall having to use any force against female occupant, including bringing them to the floor, in order to handcuff them (BR08).

Det. Santos could not remember if any of the detectives said, “open the fucking door,” “it’s a fucking raid,” or “get on the fucking floor,” while within the premises (BR11). Det. Santos did not recall whether any female occupants were brought to the ground in order to be handcuffed. Det. Santos also did not recall any officer stating that “the house smells like shit,” “look at this fucking house,” “it’s so fucking dirty,” or, “what kind of fucking people live here.”

When an officer uses an otherwise impolite word during a stressful encounter where that officer is attempting to maintain control of the situation, the police officer’s verbal slip does not rise to the level of actionable misconduct. DCT Case No. 79627/04 (BR

In executing a search warrant, that expressly authorizes entry without notice, an officer may forcibly enter such premises and may use against any person resisting such entry or search thereof as much physical force, other than deadly physical force, as is necessary to execute the warrant, and seize any property pursuant to the search warrant. Criminal Procedural Law, § 690.50 (BR06).

Force may be used when it is reasonable to ensure the safety of a member of the service or a third person, or otherwise protect life, or when it is reasonable to place a person in custody or to prevent escape from custody. Patrol Guide, Procedure 221-01 (BR10).

§ 87(2)(g)

§ 87(2)(g)

**Allegation I—An officer made a sexually suggestive remark to** § 87(2)(b)

**Allegation J—An officer sexually humiliated** § 87(2)(b)

§ 87(2)(b) stated that after the incident had concluded, he learned that an officer told § 87(2)(b)’s girlfriend, that she had a “fat coochie,” when she got out of her bed without any clothes on (BR01).

Although § 87(2)(b) stated that she was held in the same bedroom as § 87(2)(b) during the search, she did not raise this allegation, nor corroborated § 87(2)(b)’s or § 87(2)(b)’s account (BR02).

Despite exhaustive attempts to obtain a sworn statement from § 87(2)(b) in regards, she was ultimately uncooperative with the investigation and provided only a phone statement, detailed as follows. § 87(2)(b) stated that on February 13, 2019, at approximately 6:05 a.m., she had just gotten out of the shower, when a large group of officers broke down the door of the apartment and entered the residence (BR12). § 87(2)(b) was in her bedroom, wearing only a tee shirt and underwear, when the officers pounded on her door and told her to get on the ground. § 87(2)(b) told the officers that she was naked and knelt on the floor. The group of officers entered her bedroom, and a female officer handcuffed her, while a male officer, who she could only describe as a Hispanic male, stood directly in front of her. A few minutes later, the female officer walked § 87(2)(b) down the hallway to the bathroom to get dressed, and the male officer told her that she had a "fat pussy." § 87(2)(b) did not react or respond male officer's remark.

Later during the search, § 87(2)(b) asked the group of officers to loosen her handcuffs, and a male officer said he would do it and walked over to her. § 87(2)(b) turned around so the male officer could reach her handcuffs, however, he told, "Uh-uh. You gotta bend over more." § 87(2)(b) was wearing pants and a tee shirt at the time, bent over as the male officer instructed, and he loosened her handcuffs.

Det. Santos stated that she was the only female detective assigned to that search warrant execution team, and was responsible for handcuffing and searching females present (BR11). Det. Santos added that if necessary, she assists in dressing females who are not fully clothed as they execute search warrants early in the morning. Det. Santos did not remember anything specific about this incident.

Det. Bonilla did not recall there being a female occupant not fully clothed while within the apartment, nor recalled having any specific conversations with any of the four or five female occupants in the apartment (BR07). Det. Bonilla denied that he told any of the female occupants that they "had a fat pussy," and denied hearing any other officer make that remark. Det. Bonilla denied that any female occupant complained to him that her handcuffs were too tight, denied that he loosened any female occupants' handcuffs, and denied that any officer made a partially-clothed female bend over in front of them first before loosening her handcuffs.

Det. Puglisi stated that he thought he personally handcuffed two or three female occupants, but did not remember any female occupant being naked, wearing only a tee shirt, or being only partially-clothed during the incident (BR08). Det. Puglisi denied that he or any other detective told any female occupant that they "have a fat pussy." Det. Puglisi did not specifically recall any female occupant complaining about their handcuffs being too tight. Det. Puglisi denied that he or any other detective ordered § 87(2)(b) or any other female occupant, to bend over in front of him before loosening their handcuffs.

§ 87(2)(g)

§ 87(2)(g)

### **Civilian and Officer CCRB Histories**

- This is second CCRB case in which § 87(2)(b) has been a party.
  - § 87(2)(b)
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- Det. Bonilla, an 11-year-member-of-service, has had three prior CCRB complaints filed against him, with a total of three allegations, none of which were substantiated (see Officer History). § 87(2)(g)
- Det. Puglisi, a 12-year-member-of-service, has had four prior CCRB complaints filed against him, with a total of 13 allegations, three of which were substantiated (see Officer History).
  - In CCRB #201311594, vehicle search, frisk, and search of a person allegations were substantiated against Det. Puglisi, the CCRB recommended Command Discipline A, and the NYPD concurred.

### **Mediation, Civil and Criminal Histories**

- This case was not suitable for mediation.
- As of October 9, 2019, § 87(2)(b) has not filed an Notice of Claim in regards to this incident (BR13).
- According to the Office of Court Administration database, § 87(2)(b) has not been criminally convicted in New York City (BR14).
- § 87(2)(b)
- According to the Office of Court Administration database, § 87(2)(b) has not been criminally convicted in New York City (BR16).

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Squad No.: 7



Investigator: \_\_\_\_\_  
Signature Print Title & Name Date

Squad Leader: \_\_\_\_\_  
Signature Print Title & Name Date

Reviewer: \_\_\_\_\_  
Signature Print Title & Name Date